



CALL TO ORDER and ROLL CALL





Introductions of Commission Members Agenda Item 4







Please introduce yourself to the Commission by name and information about yourself that you would like to share with the Committee

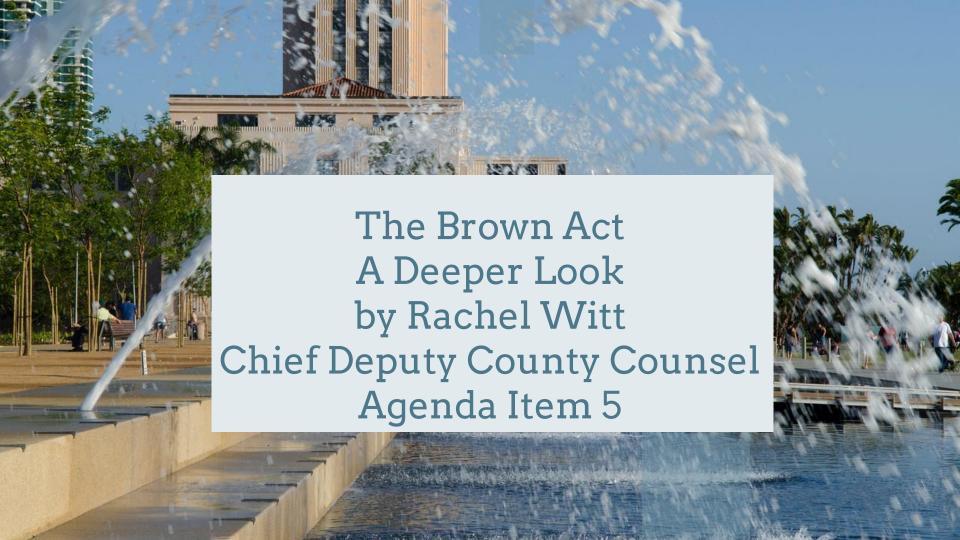
Feel free to include information about the following:

Community Work
Community Experience
What you are passionate about
A personal bit of information
Any demographic information you would like to share
A fun fact about yourself









The Brown Act: A Deeper Look

Gov. Code §§ 54950-54963

Executive Order N-29-20 *

Rachel H. Witt, Chief Deputy
Office of County Counsel

August 25, 2020

Human Relations Commission

- Required to comply with the Brown Act
- O Transparency Goals
 - Public access to meetings
 - Public access to deliberations
 - Public participation
 - Public access to documents

How the Brown Act Accomplishes its Goals

- O Broad definition of "legislative body"
- O Broad definition of "meeting"
- Logistical requirements
- Notice requirements
- Communication rules
- O Public records
- Sanctions

What is a "Legislative Body"?

- The governing body of a local agency
 - County, city, school district, district
- A local body created by state or federal statute
- A commission, committee, board or other body created by formal action of a legislative body

Gov't Code § 54952

A Legislative Body Can Be:

- Permanent or Temporary
- Decision making or Advisory
- Created by charter, ordinance, resolution or formal action
- Also includes standing committees
 - Resolution establishing HRC

What is a "Meeting"?

Broadly Defined

- A congregation of a **majority** of members
- At the same time and place
- To hear, discuss or deliberate on something within their jurisdiction
- Including indirect communication (serial meetings)

Gov't Code § 54952.2

Majority of Members

- Human Relations Commission
 - 31 member commission
- Currently
 - 24 members appointed
- O Bylaws Majority of members appointed

13 to take action

16 once the full Commission is seated

Serial Meetings Prohibited

What is a "serial meeting"?

- O Majority of members use
- a series of communications
- o of any kind (technology)
- directly or through intermediaries
- o to discuss, deliberate or take action

Gov't Code § 54952.2

Serial Meetings - Methods

Discussing/sharing views through a series of:

- O Emails, Text messages
- Phone conversations
- Face-to-face conversations
- O Intermediaries or polls
- Examples
 - Chain: A contacts B; B contacts C ...
 - Hub & Spoke: A contacts B; A contacts C ...

Prohibition Against Serial Meetings Does Not Prohibit All Communication

Prohibition of serial meetings does not prevent an employee or official of a local agency from engaging in separate communications with members of legislative body in order to answer questions or provide information regarding a matter so long as that person does not communicate the comments or position of the member to other members of the legislative body.

- Gov't Code § 54952.2(b)

Not a Meeting

• Individual contacts with a member

- Attendance at a conference or noticed non-Commission meeting so long as:
 - a it's open to the public
 - b members don't discuss business within their jurisdiction except as part of the scheduled program

Not a Meeting (cont'd.)

 Attendance of a majority at a purely social or ceremonial occasion [no discussion of Commission business]

• Attendance as **observers** only at an open and noticed meeting [no discussion of Commission business]

Gov't Code § 54952.2

Meetings Open to the Public

- O All meetings shall be <u>open and public</u> and all persons shall be permitted to attend any meeting unless the Brown Act expressly states otherwise
- Secret ballots are prohibited
- O Must publicly report any action taken and the vote or abstention on that action for each member present
- -Gov't Code § 54953(a)

Regular Meetings: Time and Place

• Establish regular meetings by ordinance, resolution, bylaw or other rule

• Within the boundaries the territory over which the local agency exercises jurisdiction, subject to certain exceptions set forth in the statute *

Gov't Code § 54954 as modified by EO No. 29-20

Meetings- Prohibited Facilities

Meetings may not be in any facility that:

- Discriminates
- Inaccessible to disabled
- Requires payment *

Gov't Code § 54961, as modified by EO No. 29-20

Accommodations Under the ADA

 All public meetings must meet the protections and prohibitions contained in the ADA

• Under the EO: Establish a procedure to receive and resolve requests for reasonable accommodations (virtual locations)

Gov't Code § 54953.2 as modified by EO 29-20

No Conditions to Attendance by the Public

• Registration is not required

• Attendance or registration lists must state signing is voluntary

Gov. Code § 54953.3

Regular Meetings – Notice: Agenda Content and Posting Requirements

- O Post 72 hours before a regular meeting
- A brief general description of each item to be discussed or acted upon
- O Specify the time and location of the regular meeting and must be posted in a location that is freely accessible to members of the public and on the Commission's Internet Web site
- Agenda must state who to ask for an alternate agenda as required by the ADA

Requirement to Mail Notice to Requesting Parties

- O Upon written request the agenda and backup materials must be timely mailed to a person
- The written request is valid for one calendar year
- A fee may be charged not to exceed the cost of providing the service
- Alternate agenda packets must be available if requested as required by the ADA
- Gov't Code § 54954.1

Special Meetings- Notice: Agenda Content and Posting Requirements

- Presiding officer can call (Chair)
- O Majority of members can call
- 24-hour notice to be <u>received</u> by:
 - members
 - media having requested it
- Post notice in a location freely accessible to the public and on the local agency's Internet Web site, if there is one
- O Notice to identify time, place & business Gov't Code § 54956

Emergency Meetings

- Allowed where prompt action is necessary due to disruption of public facilities (without 24-hour notice)
- in an emergency where the majority finds the emergency severely impairs public health, safety or both
- Allowed in dire emergency (cannot provide even 1-hour notice)
 - mass destruction or threatened terrorist act that poses so immediate and significant a peril as to warrant not even one hour notice

Teleconferenced Meetings

- Meetings where members are in different locations connected electronically by video, audio or both
- Specific procedures are required:
 - Votes taken by roll call
 - Agendas must list and be posted at all locations (including the remote location) *
 - A quorum must be within the jurisdiction and open to the public with an opportunity to speak*

Gov't Code § 54953 as modified by EO 29-20

Public Comment

- Public opportunity to provide comment on specific agenda items and general public comment
 - May impose reasonable time limits
 - Public criticism must be allowed
- Under the EO members allowed to observe the meeting and provide comment either telephonically or otherwise electronically*

Gov't Code § 54954.3 as modified by EO 29-20

No Action/Discussion on Items Not Posted

General Rule:

No action or discussion may be taken on any item not on the posted agenda

"Action" means

- A collective decision of a majority
- A collective commitment or promise of a majority
- An actual vote by a majority sitting as a body or entity

Gov't Code § 54952.6

Exceptions to No Discussion Rule

- O Briefly respond to public's statement or question
- Ask a question for clarification
- Make a brief announcement or report on member's activities
- O Referral to staff for information and report back
- O Direct staff to place a matter on a future agenda

Gov't Code § 54954.2

Conduct of Meetings - Right to Record

- O By audio or video or motion camera recording unless persistent disruption results
- Recordings made by the agency are public records but may be destroyed 30 days after recording
- Inspection of video or tape recordings must be provided for without charge

Gov't Code § 54953.5

Conduct of Meetings - Right to Broadcast

 Cannot be restricted unless there is finding that it results in persistent disruption

-Gov't Code § 54953.6

Greater Access to Meetings

 Local agency may impose greater access on legislative bodies they create

 Commission may allow for greater access than required

Gov't Code § 54953.7

Documents Given to Legislative Body at Open Meetings

- O Writings available to public
- Available in alternative formats for persons with disabilities
- Available at meetings prepared by agency
- O Available after meetings prepared by other
- Not required if the Public Records Act provides an exemption

Gov't Code § 54957.5

Clearing of Meeting Room

- Willful interruption
- Orderly conduct of meetings unfeasible
- Removal of disruptive individuals
- Removal of everyone except media not involved in the disturbance

Gov't Code § 54957.9

Meetings May Be Adjourned

- To a time & place specified in the order
- O Less than a quorum may adjourn
- O Staff may adjourn if no members
- The adjournment order must be posted within 24 hours on the door and online
- Hearings may be continued by the same process
- For continuances of less than 24 hours, immediate notice must be posted

Gov't Code §§ 54955 & 54955.1

Closed Session - General

 Authority for closed sessions narrowly construed

 Closed sessions must be expressly authorized by statute

O Gov't Code §§ 54956.75 through 54957.8 (allowed closed session items)

Sanctions

- Each member who attends a "meeting" where "action" is taken in violation of the Brown Act and the member knows or has reason to know the public is entitled is guilty of a misdemeanor
- The DA or any interested person may sue to ask a court for judicial relief (including stopping, prevention or invalidating an action)

Gov't Code §§ 54959 & 54960

Questions?



Source Selection Committee

- Selection of three (3) will be by random drawing
- ► Time commitment



Resolution No. 20-054 Establishing the Commission

Each Commission nomination shall . . . attempt to nominate members of the community to create a Commission that is

- reflective of the demographics, diversity, and culture of San Diego County,
- including, comprehensive representation of age, gender, socioeconomic status, ethnic background, culture, religion, sexual orientation, and geographical distribution, and,
- consider the prospective Commissioner's knowledge and awareness of the problems and causes of intergroup tension and conflict.
- Prospective members shall have demonstrated a commitment to fostering better human relations in San Diego County.









 Two-year term and until their successor has been appointed and qualified.







Process for Nominations

- Review demographics to provide information for Commission to discuss nominating members that are reflective of the demographics, diversity, and culture of San Diego County
- Consider knowledge and awareness of the problems and causes of intergroup tension and conflict
- Make nominations from applications received and/or ask for more applicants







Population by Supervisorial District

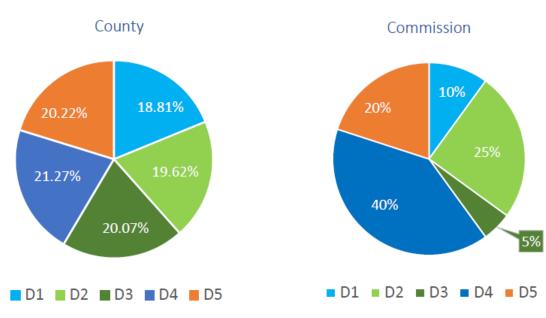


Fig. 1 – Pie Chart, Population Distribution Fig. 2 – Pie Chart, Population Distribution in by Supervisorial District³ Commission by Supervisorial District, N=20

³ http://datasurfer.sandag.org/

Commission Map

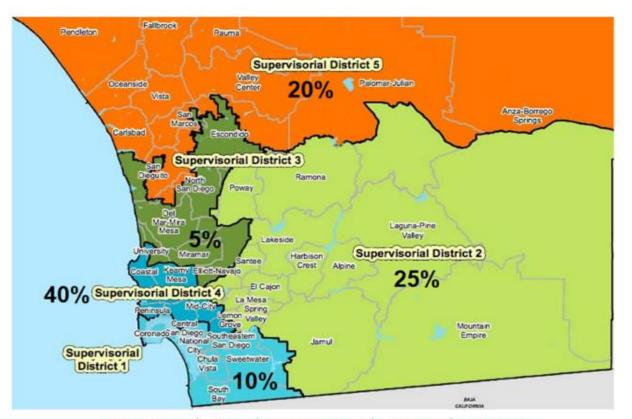


Fig. 3 - Map, Population Distribution in Commission by Supervisorial District, N=20

Age

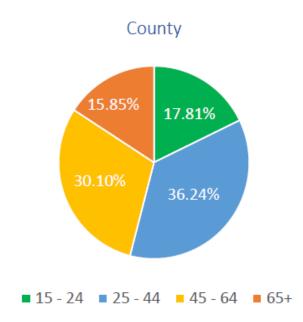


Fig. 4 – Pie Chart, Age Distribution Countywide 15 – 65+ years old⁴

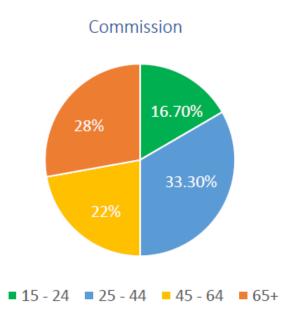


Fig. 5 – Pie Chart, Age Distribution in Commission 15 – 65+ years old, N=18

Ethnicity

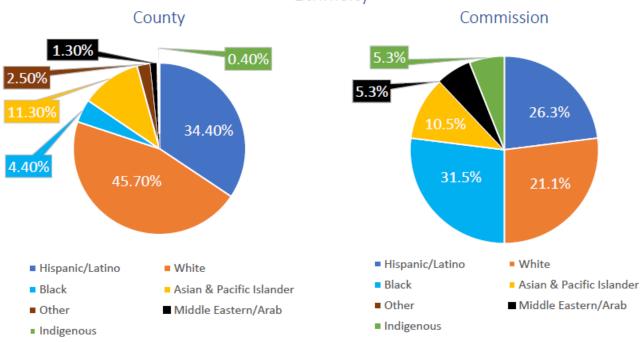


Fig. 6 – Pie Chart, Ethnicity Distribution Countywide⁵⁶ Fig. 7 – Pie Chart, Ethnicity Distribution in Commission, N=19

⁵ http://datasurfer.sandag.org/

⁶https://data.census.gov/

Gender Identity

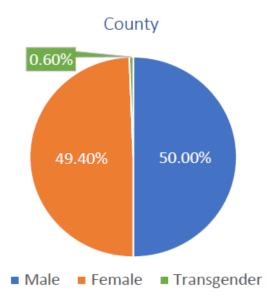


Fig. 8 – Pie Chart, Gender Distribution Countywide⁷

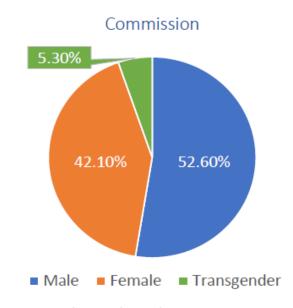


Fig. 9 - Pie Chart, Gender Distribution in Commission, N=19

⁷ http://datasurfer.sandag.org/

Religion

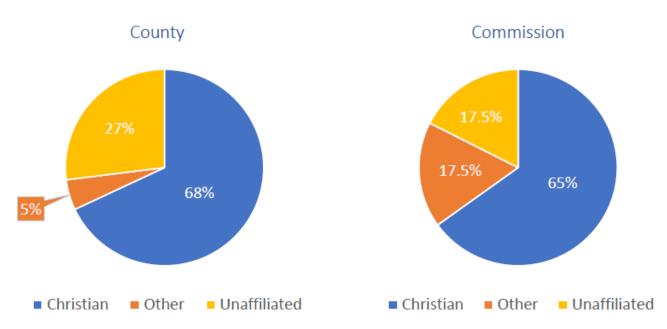


Fig. 10 - Pie Chart, Religion Distribution Countywide8

Fig. 11 – Pie Chart, Religion Distribution in Commission, N=17

⁸ https://www.pewforum.org/religious-landscape-study/metro-area/san-diegometro-area/

Religion by Other Subset

County

Jewish	2%
Muslim	1%
Buddhist	1%
Other	1%

Fig. 14 – Table, Religion Distribution Countywide by Other Subset, 5% of total of 100%⁹

Commission

Jewish	0%
Muslim	17.5%
Buddhist	0%
Other	0%

Fig. 15 – Table, Religion Distribution in Commission by Other Subset, 17.5% of total of 100%

 $^{^{9}\,} https://www.pewforum.org/religious-landscape-study/metro-area/san-diegometro-area/$

Sexual Orientation

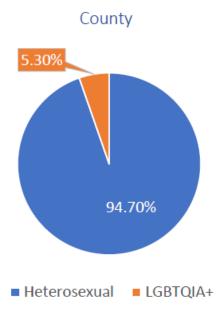


Fig. 16 – Pie Chart, Distribution of Sexual Orientation Countywide¹⁰



Commission

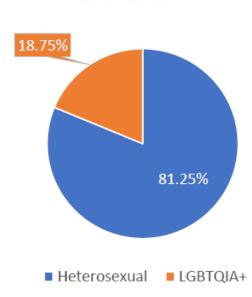


Fig. 17 – Pie Chart, Distribution of Sexual Orientation in Commission, N=16

Commission Member Affiliated Organizations

- San Diego LGBT Community Center
- . North County Lifeline
- · Jewish Family Service of San Diego
- San Diego Asian Pacific Islander Coalition
- Alliance San Diego
- UC San Diego
- RISE San Diego
- · San Diego Republican Central Committee
- Board Member Log Cabin Republicans, San Diego and California
- Board Member of Various Conservative and Republican Groups
- Valley Center Western Days, Inc. President
- Kiwanis International
- Division Lt. Gov Designate
- San Diego LGBT Center Leadership Council
- Border Angels
- Member Counties Anti- Hate Coalition
- Board Member University of San Diego's Trans Border Institute
- Youth Will

- California School Board Association (CSBA)
- Assembly Delegate San Diego County & Imperial County
- Labor Council Delegate
- North County LGBTQ+ Resource Center
- Boys and Girls Club of Oceanside
- International Rescue Committee Islamic Center of San Diego (ICSD)
- Partnership & Advancement for New Americans (PANA)
- National Conflict Resolution Center (NCRC)
- Interfaith Shelter Network (ISN)
- Interfaith Advisory Board of the San Diego DA
- People's Alliance for Justice
- Member of NAACP San Diego
- BIA, East County Chamber
- Mary and Yelda Attisha Foundation
- St. Peter Chaldean Catholic Diocese
- NAACP San Diego Branch Executive Committee
- At-Large Member, Past Health Chair, Black Women's Institute for Leadership Development

- Mental Health America California
- San Diego County Older Adult Council
- Board Member COVID-19 Health Equity
- Member REMECO
- Member Path Forward Project
- Community Project Against Racism
- Sheriff's Department
- Oceanside Unified School District Board of Education
- San Diego Education Association
- Board of Directors North County African
- American Women's Association (NCAAWA)
- North San Diego County National Association for the Advancement of Colored People (NSDC-NAACP)
- California Teachers Association (CTA)
- State Council Representative
- Assembly Delegate
- · California State Department of Education
- Commission for Professional Credentials Teachers'
 Credentials
- National Education Association Bylaws and Resolutions Commission

- Membership Chair, Black American Political Association of California San Diego
- Past Chair, United Negro College Fund San Diego Campaign Executive Committee
- Central San Diego Black Chamber of Commerce -Past Director of Community Outreach
- Lupus Foundation of Southern California Past Board of Directors
- Rady Children's Hospital Auxiliary Southeast Cluster Unit Chair
- Past Jazz at the Bay and Co-Chair Jazz in Jeans
- Delta Sigma Theta Sorority, Inc., Past National Membership Services
- National Leadership Academy
- Farwest Membership Chair and San Diego Alumnae Chapter President
- Past UCSD Outpatient Psychiatry Cultural Competency Committee
- Live Well San Diego Central Region Leadership Team
 Southeastern Live Well Center
- Health Workgroup and the East Region's Behavioral Health Workgroup Co-Chair

Next Steps

- 36 Applications received
- Consider factors stated in the Resolution
- Make nominations from applications received and/or ask for more applicants







Action Item

Determine how the Commission would like to proceed: nominate individuals from current applications and/or seek additional applications











Adjourn Next Meeting: September 8



Thank you for attending.